

**REMARKS**

Claims 7-8 and 10-26 are pending in the application. Claims 7, 10, 14, 17, 20 and 24 are amended, and claim 9 is canceled with this response. Applicants note with appreciation the provisional allowance of claims 9-10, 14-15, 17-18 and 20-21.

More particularly, claim 7 has been amended to include the limitations of claim 9 (that was held to contain allowable subject matter), and claims 14, 17 and 20 have been amended into independent form. Reconsideration of the application is respectfully requested based on the following remarks.

**II. REJECTION OF CLAIMS 7-8, 24 AND 26 UNDER 35 U.S.C. § 103(a)**

Claims 7-8, 24 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,995,816 (Grayson) in view of U.S. Patent No. 6,671,331 (Sakuma). Withdrawal of the rejection is respectfully requested for at least the following reasons.

Claim 7 has been amended to include the limitations of claim 9, which was held to contain allowable subject matter. Therefore claims 7 and associated depending claims 8, 10-13, 16, 19 and 22-23 are believed to be in condition for allowance.

Claim 24 has been amended to include the limitation of claim 20, which was held to include allowable subject matter. Applicant concedes that the subject matter of claim 20 was not earlier dependent upon claim 24, however, applicant submits that the issues are similar enough such that entry of such amendment does not raise a new issue and does not require an additional search for at least the following reasons.

Claim 24 is similar in several respects to claim 7, wherein data is transmitted and received in specified time periods, and a reception field strength is measured at a specified time. Both claims were rejected as being obvious in view of the same cited prior art references. Therefore amending claim 24 to include the subject matter of claim 20, which was held to contain allowable subject matter, is believed to reduce the

number of issues in this application and not require an additional search, and thus entry of the amendment of claim 24 is respectfully requested.

**III. REJECTION OF CLAIMS 11, 16, 19 and 22 UNDER 35 U.S.C. § 103(a)**

Claims 11, 16, 19 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grayson and Sakuma, and further in view of U.S. Patent No. 6,683,886 (Van der Tuijn et al.) or U.S. Patent No. 6,766,160 (Lemilainen et al.). Withdrawal of the rejection is respectfully requested for at least the following reasons.

Claims 11, 16, 19 and 22 depend (directly or indirectly) upon claim 7 which, as highlighted above, has been amended to include the allowable subject matter of claim 9. Therefore claims 11, 16, 19 and 22 are also non-obvious over the cited art. Accordingly, withdrawal of the rejection is respectfully requested.

**IV. CONCLUSION**

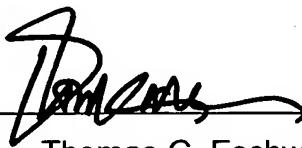
For at least the above reasons, the claims currently under consideration are believed to be in condition for allowance.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 50-1733, EHFP116US.

Respectfully submitted,  
ESCHWEILER & ASSOCIATES, LLC

By



\_\_\_\_\_  
Thomas G. Eschweiler  
Reg. No. 36,981

National City Bank Building  
629 Euclid Avenue, Suite 1210  
Cleveland, Ohio 44114  
(216) 502-0600

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper or item referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date May 25, 2006



\_\_\_\_\_  
Christine Gillroy